

REMARKS

Reconsideration of the rejection set forth in the Office Action is respectfully requested. Currently, claims 1, 3, 6-14, and 16-17 are pending in this application. The indication that claims 1, 3, 6-9, 13-14, and 16-17 are allowable is noted with appreciation.

Rejection under 35 USC 103

Claims 10-12 were rejected under 35 USC 103 as unpatentable over Ong et al. (U.S. Patent No. 6,795,430) in view of Lampola (U.S. Patent Application Publication No. 2002/0131576). This rejection is respectfully traversed in view of the following arguments.

Ong only qualifies as prior art to this application under 35 USC 102(e). Pursuant to 35 USC 103(c)(1), “Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.” See MPEP 706.02(I)(1).

Applicants hereby state that this application and Ong were commonly owned at the time the claimed invention was made. Pursuant to MPEP 706.02(I)(1) this is sufficient to disqualify Ong. Accordingly, Ong may not be cited in a rejection of claims 10-12 of this application. Applicants therefore respectfully request that the rejection under 35 USC 103 of claims 10-12 be withdrawn.

Conclusion

In view of foregoing claim amendments and remarks, it is respectfully submitted that the application is now in condition for allowance and an action to this effect is respectfully requested. If there are any questions or concerns regarding the amendments or these remarks, the Examiner is requested to telephone the undersigned at the telephone number listed below.

If any fees are due in connection with this filing, the Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 502246 (Ref: NN-16019).

Respectfully Submitted

Dated: December 1, 2008

/John C. Gorecki/
John C. Gorecki, Reg. No. 38,471

Anderson Gorecki & Manaras LLP
P.O. Box 553
Carlisle, MA 01741
Tel: (978) 264-4001
Fax: (978) 264-9119